

REMARKS

The present amendment is submitted, in view of the fact that allowable subject matter has been indicated to be present, in an earnest effort to bring the application to issue without delay.

Claims 9 to 14 and 17 have been allowed.

Claims 15 and 16 have been rejected under 35 USC 103(a) as being obvious from ARULANANDAN et al.

In applying ARULANANDAN et al and dealing with Applicants prior arguments the Examiner has stated "in response to Applicants arguments that ARULANANDAN ET AL is not able to perform a physical soil characterization of the sample medium in between two of the electrode sticks." Claim 15 has been amended to specifically state that the two electrode bodies are spaced apart in the sample for characterizing the sample in between the two electrode bodies and claim 16 has been amended to recite "whereby said spikes characterize physical soil characteristics in between these spikes".

The Examiner has further stated that in response to Applicants argument, claims 15 and 16 do not recite a high ohmic connection to a voltmeter. Claims 15 and 16 have been amended to recite "a high-ohmic electrical potential measuring unit...".

Thus both claims 15 and 16 are now fully supported with respect to arguments previously made and of which the Examiner appears not to have been persuaded. For the record, it should be noted that the issue is not mere duplication for the purposes of characterizing larger sample areas since the spikes or electrode bodies with two separate surfaces on each and connected such that the excitation is through one surface of each of two bodies while the pick up is through a high ohmic potential measurement unit connected across the other two surfaces of the body is clearly not mere duplication since the same result could not have been achieved with a single body or spike even if that spike or body had been made larger or even if the spike or body had been merely duplicated without the cross connection.

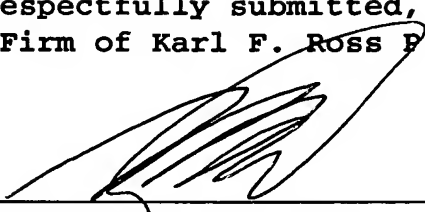
Accordingly, neither claim 15 nor claim 16 can be considered to be obvious from ARULANANDAN et al and thus claims 15 and 16 should be allowed together with claims 9 to 14 and 17.

Atty's 22623

Pat. App. 10/647,130

An early notice to that effect is earnestly solicited.

Respectfully submitted,
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